

Local Standards Hearing Panel Minutes

Date: Tuesday, 18th October, 2011

Time: 10.00 - 10.25 am

PRESENT:

Mr Barry Morgan-Timms, Cllr John Savage and Parish Councillor John Sherlock

13 APPOINTMENT OF CHAIRMAN

RESOLVED: That Mr B Morgan-Timms be appointed Chairman of the Meeting.

14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 QUORUM

The Chairman confirmed that the meeting was quorate.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of Minutes 17 & 18 because of their reference to matters which contain exempt information as defined as follows:

Minute No 17 – Outcome of referral of cases ref IA51 & IA52 for ‘other action’.

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section

58(1)(c) of the Local Government Act 2000 (Paragraph 7C of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighs the public interest in disclosure because the distress caused to the individual would outweigh the public interest in disclosure.

Minute No 18 – Consideration of Investigating Officer’s Report re Standards Complaint IA 40.

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000 (Paragraph 7C of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighs the public interest in disclosure because the distress caused to the individual would outweigh the public interest in disclosure.

17 OUTCOME OF REFERRAL OF CASES REF IA51 & IA52 FOR 'OTHER ACTION'

On 21 July 2011, the Complaints Initial Assessment Sub Committee considered complaint ref: IA 51.

The sub committee referred the allegation to the Monitoring Officer for “other action” namely with a view to arranging for the subject member to attend a brief training session, to be arranged by the Monitoring Officer on the Code of Conduct for Members, but conducted by an external trainer.

On 14 September 2011 Mr P Keith Lucas of Bevan Brittan Solicitors conducted training for the subject member and a report on this session was appended to the agenda and read by the Panel.

In respect of complaint ref: IA 52, the Complaints Initial Assessment Sub Committee had considered this case at its meeting of 4 August 2011 and had similarly referred the allegation to the Monitoring Officer for “other action” namely with a view to arranging for the subject member to attend a brief training session on the Code of Conduct for Members, but this time to be arranged and carried out by the Monitoring Officer himself.

The Monitoring Officer presented the training personally and he took the subject Member through the entire Code, insofar as it applied to the Parish Council concerned. He also referred to Standards for England's Case Review 2010, which provided useful guidance. The training session was held on 22 September 2011. The notes prepared by the Monitoring Officer and provided to the subject member were attached to the Panel agenda for the Members' information.

The session was well received by the subject member who found the training very useful.

Members noted that in both these cases a referral for other action closes any opportunity for investigation.

Additionally, Members noted that any such referral does not involve any finding as to whether or not the subject members had failed to comply with the Code of Conduct as alleged.

In response to the report to this meeting the Panel:

RESOLVED: to express satisfaction with the actions taken and that the Monitoring Officer give notice of this to the subject members, the complainants and the Clerks of the Parish/Town Councils concerned.

18 CONSIDERATION OF INVESTIGATING OFFICER'S REPORT RE STANDARDS COMPLAINT IA40

The Members of the Panel confirmed that they had read in detail the report of the Investigating Officer as appended, and considered the summary of findings contained therein.

The Panel felt that a Local Hearing into the allegations should be scheduled, referral of the matter to the Adjudication Panel for England for determination was not appropriate.

RESOLVED: That the matter should be considered at a hearing of the Local Standards Hearing Panel conducted under Regulation 18 of The Standards Committee (England) Regulations 2008.

The following officers were in attendance at the meeting:

David Dongray - District Solicitor / Monitoring Officer
Peter Druce - Democratic Services

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